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CHANGE OF PLEA
BEFORE THE HONORABLE ROBERT TOCHKA

APPEARANCES:

FOR THE COMMONWEALTH OF MASSACHUSETTS:
Suffolk County District Attorney's Office
One Bulfinch Place
Boston, Massachusetts 02114
BY: Adrien Bispham, A.D.A.

FOR THE DEFENDANT:
Committee for Public Counsel Services
44 Bromfield Street
Boston, Massachusetts 02108
BY: JOSHUA REISLER-COHN, ESQ.

Also present:
Probation Officer Ellison

Boston, Massachusetts
Room 730
April 23, 2018

Christine D. Blankenship
Official Court Reporter



I N D E X

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1 (Court called to order.)

2 (Defendant present/not present.)

3 THE CLERK: Your Honor, numbers eight and nine on
4 today's list, Commonwealth versus Tykeam Jackson,
5 docket number 13-11012 and docket number 15-11278. The
6 2013 matter is on for a final surrender, and the 2015
7 case is on for a change of plea. Could the parties
8 please identify themselves for the record?

9 MR. BISPHAM: Good afternoon, Your Honor. Adrien
10 Bispham for the Commonwealth.

11 MR. RAISLER-COHN: And Josh Raisler-Cohn on behalf
12 of Mr. Jackson, who's present.

13 THE COURT: Good afternoon, sir.

14 THE DEFENDANT: Good morning. Oh, good afternoon.

15 THE COURT: Do you want me to inquire of your
16 client?

17 MR. RAISLER-COHN: Yes, if I may approach.

18 THE CLERK: Mr. Jackson, do you now offer to
19 change your plea to two indictments?

20 THE DEFENDANT: Yes.

21 THE CLERK: And as to indictment 15-11278 offense
22 01 charging you with armed robbery, how do you now
23 plea?

24 THE DEFENDANT: Guilty.

25 THE CLERK: And offense two which charges you with

1 armed carjacking.

2 MR. RAISLER-COHN: I think we're just doing count
3 one because carjacking and robbery are duplicative.

4 THE CLERK: Do you now offer to change your plea
5 to one indictment?

6 MR. RAISLER-COHN: Yes.

7 THE CLERK: And to docket number 15-11278 so much
8 as charges you with armed robbery, how do you no plead?

9 THE DEFENDANT: Guilty.

10 THE CLERK: Please raise your right hand.

11 TYKEAM JACKSON, sworn

12 THE COURT: Sir, why don't you step over here with
13 your attorney and have a seat in the witness box.

14 THE CLERK: Do you want me to swear in the
15 probation officer?

16 THE COURT: Yes.

17 PROBATION OFFICER, sworn

18 THE COURT: The probation violation is a new
19 offense?

20 THE PROBATION OFFICER: I'm sorry?

21 THE COURT: The probation violation new?

22 THE PROBATION OFFICER: Yes, not this one.

23 MR. BISPHAM: The subject of the new violation is
24 a Roxbury case that was since dismissed for want of
25 prosecution.

1 THE COURT: All right, sir, tell me your name.

2 THE DEFENDANT: Tykeam Jackson.

3 THE COURT: Mr. Jackson, how old are you?

4 THE DEFENDANT: Twenty-two.

5 THE COURT: How far in school did you go to?

6 THE DEFENDANT: I got my GED.

7 THE COURT: And where did you go to high school?

8 THE DEFENDANT: Multiple BPS schools.

9 THE COURT: If at any time you don't understand a
10 question I ask, you let me know and I'll rephrase it.
11 Anytime I don't understand your response, I'll let you
12 know. If you need to speak with your attorney, can ask
13 me and go outside for more privacy in the hallways; do
14 you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: So do you have any children?

17 THE DEFENDANT: No.

18 THE COURT: And are you married?

19 THE DEFENDANT: No.

20 THE COURT: What was the last job you have?

21 THE DEFENDANT: I currently work at Working Gear
22 in Quincy.

23 THE COURT: What do you do there?

24 THE DEFENDANT: I'm a marketing assistant.

25 THE COURT: Now, I have to ask everybody this

1 question. Have you ever suffered from any mental
2 illness or any mental condition?

3 THE DEFENDANT: No.

4 THE COURT: Are you aware of any mental illness or
5 any mental condition you're now suffering from?

6 THE DEFENDANT: No.

7 THE COURT: Have you consumed any alcohol in the
8 past 24 hours?

9 THE DEFENDANT: No.

10 THE COURT: Any drugs in the past 24 hours?

11 THE DEFENDANT: No.

12 THE COURT: Any medication the past 24 hours?

13 THE DEFENDANT: No.

14 THE COURT: Do you understand by pleading guilty
15 here, you're giving up your right to have a trial and
16 have a jury decide in terms of your guilt or innocence?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand if you went to
19 trial you wouldn't have to prove anything. So for
20 example you wouldn't have to take the witness stand,
21 you wouldn't have to call witnesses, the jury couldn't
22 hold it against you. Instead, it's the Commonwealth
23 that has to prove guilty of each element of the charge
24 beyond a reasonable doubt. Do you understand that?

25

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand you have the right
3 to be tried by a jury 12 people who would be of
4 selected. You have the right to participate in the
5 selection of the jury. You could not be found guilty
6 unless the Commonwealth convinces all 12 of the jurors
7 that you were guilty beyond a reasonable doubt. Do you
8 understand this?

9 THE DEFENDANT: Yes.

10 THE COURT: Also, sir, do you understand that you
11 have the right to be tried by a judge instead of a jury
12 and instead the judge would find not you guilty unless
13 the Commonwealth produced that judge beyond a
14 reasonable doubt that you are guilty of the charge. Do
15 you understand this?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, Mr. Jackson, do you understand if
18 you went to trial you would have the right to confront
19 your accusers and any other witnesses who testified by
20 you facing them and your attorney questioning them. Do
21 you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you also understand that if you
24 went to trial you would have the right to call your own
25 witnesses, present your own evidence and if you wanted

1 to testify on your own behalf, do so; do you understand
2 that?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand by pleading guilty
5 here today you are giving up your right to pursue any
6 arguments or motions your attorney may have made or
7 filed on behalf of this case?

8 THE DEFENDANT: Yes, I understand.

9 THE COURT: Do you also understand that you've
10 giving up your right to appeal any rulings or decisions
11 a judge may have already made in this case?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you willing to give up each of
14 these rights I've just explained to you?

15 THE DEFENDANT: Yes.

16 THE COURT: Next I'm going to hand you this
17 document. It's entitled, "Defendant's Waiver of Rights
18 Form." Have you seen that document before?

19 THE DEFENDANT: Yes.

20 THE COURT: Did you read it?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you go over it with your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand it?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand it sets forth in
2 writing what you and I have been talking about here,
3 namely, your willingness to waive your constitutional
4 rights and your statutory rights and plead guilty to
5 this indictment?

6 THE DEFENDANT: Yes.

7 THE COURT: Is that your signature -- and flip it
8 over, please. Is that your signature on the back?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you sign it voluntarily?

11 THE DEFENDANT: Yes.

12 THE COURT: By signing it, do you understand
13 you're telling me in writing that you're aware of the
14 rights that are explained in that form and that you
15 understand those rights and that you are voluntarily
16 waiving those rights?

17 THE DEFENDANT: Yes.

18 THE COURT: Why don't I take that back from you.
19 Did you go over the -- it's one charge he's pleading
20 to, right? Did you go over the charge -- the
21 indictment with your attorney?

22 THE DEFENDANT: Yes.

23 THE COURT: And did he explain to you the elements
24 the Commonwealth would have to prove beyond a
25 reasonable doubt?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand the elements?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand the maximum penalty
5 in the case?

6 THE DEFENDANT: Yes.

7 THE COURT: What's the maximum penalty?

8 THE DEFENDANT: Life I believe, right, or 20
9 years. One of them.

10 THE COURT: That's correct. There's no mandatory
11 minimum here?

12 MR. RAISLER-COHN: No.

13 THE COURT: And do you understand -- what's the
14 sentence?

15 MR. BISPHAM: The sentence would be three years'
16 probation.

17 THE COURT: So do you understand if I impose that
18 period of probation you're going to be subject to the
19 terms and condition that are imposed. They include not
20 committing any other crime, reporting to probation
21 officer. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that if you are
24 later found in violation, a judge could sentence you up
25 to that maximum penalty --

1 THE DEFENDANT: Yes.

2 THE COURT: Next I have to advise you that -- it's
3 called the armed career criminal statute. So if you
4 are convicted of another violent crime or a serious
5 drug offense in the future under the statute, you'll
6 face a substantial prison term. That is, you will face
7 three to fifteen years in state prison if you are
8 previously convicted of one violation or one serious
9 drug offense. Do you understand that?

10 THE PROBATION OFFICER: Yes.

11 THE COURT: Next, you would face ten to fifteen
12 years here if you are previously convicted of two
13 violent or two serious drug offenses. Do you
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Then you would face 15 to 20 years in
17 state prison if you were previously convicted of three
18 violent crimes or three serious drug offenses or any
19 combination of these offenses. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Understanding this, do you still want
22 to plead guilty?

23 THE DEFENDANT: Yes.

24 THE COURT: So next I'll give you what are called
25 your immigration warnings. I have to tell you that if

1 you are not a citizen I have to advise you my
2 acceptance of your guilty plea would have the
3 consequences of deportation, exclusion from admission
4 to the United States pursuant to the laws of the United
5 States. Also, if the offense to which you are pleading
6 guilt is one under federal law one that presumptively
7 mandates your removal from the United States and if
8 federal officials decide to seek your removal, it is
9 practically inevitable that this conviction would
10 result in deportation or denial of naturalization under
11 the laws of the United States. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Has your attorney advised you of these
14 warnings?

15 THE DEFENDANT: Yes.

16 THE COURT: Understanding this, do still wish to
17 change your plea?

18 THE DEFENDANT: Yes.

19 THE COURT: Next, I'll ask the prosecutor give me
20 a statement of facts and ask you to listen to what he
21 says because these are the facts you are pleading to.

22 MR. BISPHAM: Thank you, Your Honor. If this case
23 were to proceed to trial, the Commonwealth would expect
24 to prove that on July 19th of 2015 the Boston Police
25 responded to a call for a report of a car having been

1 robbed outside of the liquor store on Cedar Street and
2 Washington Street in Roxbury. Upon arrival, the
3 officers spoke with an individual later identified as
4 [REDACTED] who indicated that he was in his car when
5 he observed two individuals who walked past his car and
6 enter the liquor store at the corner. He described one
7 of the individuals as slim with glasses wearing a white
8 shirt and red and black shorts. The second person was
9 a heavy black male with black shirt, black boots and
10 sweatpants. Shortly thereafter, the same two suspects
11 exited the store and walked by the car again at which
12 point they then approached -- one person approached the
13 passenger side, the other person approached the
14 driver's side, demanded the occupants to get out the
15 car threatening to shoot them. The witnesses described
16 one person having a gun and the other person having a
17 knife. They got out of the car. [REDACTED] was in
18 the driver's seat. He had a passenger in the front
19 passenger seat. They exited the vehicle. The two
20 suspects got into the vehicle and then fled towards
21 Washington Street.

22 At approximately 6:50 p.m., the same day officers
23 were called to 296 Seaver Street where Massachusetts
24 State Police had received a LoJack hit relative to that
25 same stolen car. Detectives recovered and processed

1 that car. They recovered fingerprints from the exterior
2 driver's side window which were individualized to the
3 defendant, Tykeam Jackson, and one other print that was
4 identified as Sean Barry. Detectives also recovered
5 video from the liquor store of the corner which
6 depicted the two individuals who had entered the store.
7 The first suspect described was identified as Tykeam
8 Jackson by a Suffolk Superior Probation Officer, and
9 the second suspect was identified as Sean Barry by a
10 Youth Violence Strikeforce officers of the Boston
11 Police.

12 A warrant was put out the arrest of Mr. Jackson.
13 When he was arrested, he had glasses in his possession
14 that were similar to the ones being worn by the person
15 in the video. Additionally, Mr. Jackson participated
16 in an interview with detectives after he was arrested
17 admitting to involvement in the incident and
18 identifying Barry as a second suspect but denying
19 possession of any firearm during the incident. There
20 was no firearm or gun found that was recovered and
21 essentially those are the facts, Your Honor.

22 THE COURT: Okay, sir. Did you hear those facts?

23 THE DEFENDANT: Yes.

24 THE COURT: By pleading guilty, you're telling me
25 that you committed those facts and those facts are

1 true. Are those facts true?

2 THE DEFENDANT: Yes.

3 THE COURT: Anyone force you to plead guilty?

4 THE DEFENDANT: No.

5 THE COURT: Anybody promise you anything to get
6 you to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Are you satisfied with your attorney's
9 advice?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you believe he's acted in your best
12 interest?

13 THE DEFENDANT: Yes.

14 THE COURT: Counsel, have you discussed the
15 possible consequences with your client?

16 MR. RAISLER-COHN: I have.

17 THE COURT: Sir, I have to tell you that by
18 pleading guilty, you will be required to submit a
19 sample of your saliva for the Massachusetts DNA
20 database. do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: understanding that you will want to
23 plead guilty?

24 THE DEFENDANT: Yes.

25 THE COURT: Now, have you been confused about

1 anything I've said to you so far?

2 THE DEFENDANT: No.

3 THE COURT: understanding everything I've said to
4 you, do you still wish to plead guilty to this offense?

5 THE DEFENDANT: Yes.

6 THE COURT: The plea is being made freely,
7 willingly, voluntarily and knowingly. Probation can go
8 to the podium. Sir, you're going to
9 stipulate or admit to a violation; is that right?

10 THE DEFENDANT: Yes.

11 THE COURT: So by doing that, you understand
12 you're giving up your right to face or confront the
13 witnesses?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you understand you could have
16 witnesses in your own defense?

17 THE DEFENDANT: Yes.

18 THE COURT: Probation.

19 THE PROBATION OFFICER: This is a notice dated the
20 initial was December 7, 2017. It's being violated for
21 an A and B on a family or household member which was
22 out of the Roxbury BMC. He was arraigned on August 28,
23 2017. Also, failure to complete his community service
24 hours in total. He had at that time it was 80. He has
25 been given credit for 32 hours.

THE COURT: And what was the violation?

2 THE PROBATION OFFICER: From my understanding, it
3 was an argument with his girlfriend and the
4 girlfriend's sister was present and it was her that
5 called the police at that time. He was arrested on
6 site. It was in the Dudley Street area of Roxbury.
7 The victim, I'm not sure if it's still his girlfriend,
8 but his girlfriend at the time denied any physical
9 altercations. The officers obviously weren't there at
10 the time. It's been dismissed in the district.

11 THE COURT: That's not a stipulation to a
12 violation having an argument with anybody.

13 THE PROBATION OFFICER: Well, he's agreeing that
14 was enough for him to be arrested.

15 THE COURT: Even if he's agreeing that there's
16 enough, you haven't told me anything about -- all
17 you're saying is that there was an argument. Nobody
18 goes to jail because of an argument.

19 THE PROBATION OFFICER: Right, well, that was the
20 information that I was provided that he was arrested
21 and charged with this in the district and it's since
22 been disposed of, but. This two counts.

23 THE COURT: Right, but you understand what I'm
24 saying?

25 THE PROBATION OFFICER: I do, Your Honor.

1 MR. BISPHAM: Your Honor, given what I anticipate
2 that disposition will be which ultimately I think
3 probation is going to jointly recommend that we
4 terminate Mr. Jacksons' probation given the fact that
5 he's going to be going on probation on the new offense.
6 I don't know if probation would consider withdrawing
7 the violation that way, but.

8 THE PROBATION OFFICER: Probation is fine with
9 that given that he's going to be on probation anyway.

10 THE COURT: That's what I'm saying. There's no
11 way that I can accept a stipulation to a violation of
12 probation. In all frankness, there's a chance I would
13 just continue him on violation of probation. It's up
14 to you what you want to do.

15 THE PROBATION OFFICER: Probation will withdraw
16 the violation.

17 THE COURT: The entire violation or just the
18 violation of new offense?

19 THE PROBATION OFFICER: Just the new offense. I
20 would like him to still do those community service
21 hours. I do feel like that will be a benefit to him.

22 THE COURT: Okay. That violation is -- you did not
23 perform the community service hours required of you?

24 THE PROBATION OFFICER: Yes.

25 THE COURT: I find you in violation of probation.

1 So why don't you go back to the table over there.

2 So he's on probation for what?

3 THE PROBATION OFFICER: Larceny from a person.

4 THE COURT: Now he's charged with robbery. Is
5 that prior to the larceny?

6 THE CLERK: There's two counts. He was originally
7 in 2013 indicted on two counts of armed robbery. He
8 got a house of correction sentence on the first. On
9 the second count, it was reduced to larceny from a
10 person and was placed on probation for that and that is
11 what is the subject of the --

12 THE COURT: So this is actually the third robbery?

13 MR. BISPHAM: Yes, and the first one involved an
14 individual and a car as well. So I have some reports
15 if Your Honor would like to look at them.

16 THE COURT: And what's the reason you're
17 recommending probation?

18 MR. BISPHAM: The reason that we're recommending
19 probation, Your Honor, is because as you can see this
20 case has been opened since 2015. So it's almost been
21 three years at this point in time. During the pendency
22 of that time, Mr. Jackson has been out for the majority
23 of the cases. He's been consistently involved with
24 ROCA who have consistently gotten him internships, work
25 programs. He's gone to cognitive behavioral therapy

1 there. He's continued to still be engaged with ROCA
2 now. I have met with him and his attorney on a number
3 of occasions and discussed his personal interests and
4 what he wants to do in the future. He's currently
5 enrolled at school at Quincy College. The job that he
6 is working for which is Working Gear, and obviously he
7 can tell you more about that actually is providing or
8 paying for him to go to school fully.

9 He essentially is -- has been on probation for
10 lack of -- he's been out for almost three year at this
11 point in time and all the work he's been doing, moving
12 out of the area where he was living before which is
13 Castlegate. He is no longer living there. He has his
14 own apartment in Allston. He is independent and he's
15 attempting to sever ties from the people that he was
16 associating himself with that tended him to get into
17 the situations that brought us in before the Court
18 today. He's met with the chief of my unit as well as
19 myself and has given all those conversations as well as
20 all the work that he's been going over the three year
21 period, admittedly as the facts it's indicated that he
22 may have picked up new offenses, it hasn't been perfect
23 but he has consistently going in a positive trajectory
24 such that at this point in time that it's the
25 Commonwealth's perspective and opinion and

1 recommendation that there would be no purpose served
2 incarcerating him further at this point in time given
3 that he's essentially turning his life around. So
4 we're looking to give him the opportunity to be on
5 probation and to continue going to school and to
6 graduate. He expects to graduate within two years and
7 continue working. I think ultimately he wants to move
8 outside of Massachusetts, but again we want to give him
9 the opportunity to do that. Obviously, these are
10 serious offenses for what he was on probation on or was
11 a serious offense and this is not necessarily
12 recommendation the Commonwealth would give but given
13 everything that he has presented to us it's something
14 we would strongly recommend to the Court.

15 THE COURT: This was the same one that I heard the
16 case in the first session?

17 MR. RAISLER-COHN: That's correct.

18 THE COURT: Probation, what's your recommendation?

19 THE PROBATION OFFICER: In regards to the plea
20 today?

21 THE COURT: Yes.

22 THE PROBATION OFFICER: Probation is on board with
23 the three years. I've been working with Mr. Jackson
24 for about the last year and a half of the last three
25 years he's been on probation. As the ADA stated a

1 couple of hiccups in the road, he's been doing fairly
2 well. I've had many conversations with him about his
3 future in regards to the path he's going on. He
4 reports as he's supposed to. Even when he gets
5 frustrated, he is able to calm himself down and regroup
6 and come back and be more productive. He has been
7 working at the shop he's at now for some time. I got
8 an email not too long ago and stating that he's doing
9 really well and they're looking to hire him once he's
10 completed the internship. I'm hoping that this is an
11 opportunity for him to keep on the straight and narrow
12 and do what he needs to do. He's now much older, he's
13 a grown man now, he has his own responsibilities. AS
14 you heard, he has his own apartment.

15 THE COURT: What do you recommend in terms of
16 probation?

17 THE PROBATION OFFICER: I would -- obviously that
18 he be working or in school at all times. I do think
19 that he would benefit from positive anger management
20 just with his past, you know, just from reading his
21 file and just getting to know him. I do see where
22 sometimes he gets overwhelmed. He has a hard time
23 processing his feelings. He's come a long way, but I
24 do think if not therapy than anger management, even if
25 it's just a check in would be beneficial to him.

1 THE COURT: Attorney Raisler-Cohn.

2 MR. RAISLER-COHN: Thank you, Your Honor. I think
3 that in the last three years that I've known Mr.
4 Jackson he has moved through and stepped out the other
5 side of more challenging stuff than I certainly have
6 ever had to deal with in my life and that most people
7 that I know that ever had to do deal with in their
8 lives. He's done a tremendous amount of work. I think
9 what Ms. Ellison was just referring to in terms of the
10 changes that she's seen in his abilities to self-
11 moderate and his abilities to deal with frustration are
12 both partly from him just growing up and getting older,
13 and as we know the brain of an almost 23-year-old is
14 really different than the brain of an 18-year-old. But
15 also, he's been engaged in doing behavioral therapy,
16 cognitive behavioral therapy, with ROCA and we've
17 talked a lot about that and he's talked a lot about
18 that and I think that's one of the tools that he's been
19 using in addition to growing up to be able to deal with
20 stresses in his life and to be able to help himself
21 deal with frustrations and deal with the sometimes I
22 think feeling like the never-ending bureaucracies he
23 has to deal with and the varieties of circumstances
24 that he has to deal with in his life.

25 He has been -- he grew up in Dorchester, and he

1 has managed to extract himself from the neighborhood
2 that he grew up in. He has managed to get himself what
3 originally was an internship, it was a three month
4 internship that was full-time at Work and Gear, that he
5 did so well there that they offered him a salaried
6 position with benefits, and the CEO of the company is
7 actually paying for his school for his college. He's
8 enrolled to get a two year associate's degree and has
9 plans to go to a four-year college after that.

10 When at lunch today, part of what we talked about
11 is that he would be a great candidate once he finishes
12 his associate's degree to get great scholarships from
13 great schools, to get a four-year degree from a
14 prestigious university because his life story so far is
15 compelling, is transformative and he's come through a
16 lot and he's standing and he brings a smile with him
17 when he meets people and he has a great disposition.
18 He is friendly and kind.

19 He was in this relationship for a year and a half
20 with a woman who they were not well suited for each
21 other, and it was a situation where I think it's very
22 hard to tell, as the Court knows, it's very hard to
23 tell in retrospect when you're talking to people about
24 what happened in a situation. Without a video camera,
25 we don't know exactly what happened. But it certainly

1 does seem like this was a situation where his ex-
2 girlfriend was a person who was using the police and
3 the courts to settle interpersonal disputes not because
4 a crime was committed, but that was because that was a
5 tool that she had available to her in that time.

6 We had repeated meetings with her and Mr. Jackson,
7 with DA investigators and assistant district attorneys
8 in the Roxbury division. And most importantly though
9 that relationship has been over eight or nine months.
10 They don't speak to each other anymore. They've moved
11 on from each other's lives and tellingly to the Court,
12 there's been no allegation of any kind again since then
13 and I think that that's reflective of him and being out
14 of that relationship as being a positive thing for him.

15 One thing Mr. Jackson said to Ms. Ellison and Mr.
16 Bispham when we were meeting after some very hard
17 things that were happening in his life in his old
18 neighborhood is talking about what it's been like to
19 have "no" be the answer to so many things he wants to
20 do and just wants the answer to be yes more. And he
21 has done a tremendous of work to get himself in a
22 situation where people are saying yes to him now, and
23 that's happening at work, it's happening in his
24 interpersonal relationships. His mom has moved out of
25 the old neighborhood that he lived and that's been

1 helpful to maintain his relationship with her without
2 being at risk for going to see his family. He's done a
3 tremendous amount of work and I'm really proud of him
4 and I'd ask the Court to adopt this recommendation.

5 THE PROBATION OFFICER: Just to clarify in regards
6 to probation's recommendations. I know he's
7 participating with ROCA. In regards to the anger
8 management/cognitive therapy piece, I do feel like ROCA
9 with this programming, if he continues -- if we could
10 put that as a condition specifically I do think -- and
11 I've conferred with the ROCA staff that is something
12 they could address in those areas versus formally going
13 to anger management.

14 THE COURT: Right, so you're saying instead of the
15 anger management continue the CBT there.

16 THE PROBATION OFFICER: Yes, Your Honor.

17 MR. BISPHAM: And I do have specific conditions
18 that the Commonwealth suggests.

19 One, that he maintain or seek employment or
20 continue in school and stay away from Castlegate. That
21 he set up a meeting with myself and with Attorney
22 Raisler-Cohn at least three times a month to check in
23 on his progress during the pendency of the probation.
24 And the recommendation that we jointly would be making
25 would be that so the probation is three years. We'd

1 like to structure it somewhat of a stepdown fashion in
2 that after a year if he has no new arrests or any
3 issues that he can petition the Court that it become
4 administrative and that after two years, he could
5 petition the Court again if he has no issues in the
6 next two years to terminate it earlier than that.

7 THE COURT: Mr. Jackson, what do you want to say?

8 THE DEFENDANT: Nothing. I think he covered
9 everything, honestly.

10 THE COURT: All right. So I'll accept that agreed
11 upon recommendation.

12 MR. RAISLER-COHN: I would -- so Mr. Jackson has
13 been working for five months. He pays rent, he pays
14 bills, he pays for his transportation and he bought a
15 car to be able to drive to Quincy. I would ask while
16 he remains in good standing with probation if we could
17 waive the probation supervision fees. HE hasn't been
18 able to save any money.

19 THE COURT: You can present that to the first
20 session judge with an affidavit about his inability to
21 pay.

22 MR. RAISLER-COHN: That's fine. Thank you.

23 THE CLERK: Mr. Jackson, as to docket number 2013-
24 11012, the Court finds you in violation of only failure
25 to do your community service in that matter. The Court

1 also terminates this probation in 2013-11012. Are there
2 any fees outstanding, Officer Ellison?

3 THE PROBATION OFFICER: No, just the community
4 service obligation.

5 THE CLERK: So the community obligation is vacated
6 at this time. And as to docket 2015-11278, the Court
7 having accepted your plea on offense 01 sentences you
8 to a probation term of three years with the following
9 conditions of probation:

10 That you continue with your programming with ROCA,
11 that you stay away from Castlegate, that you continue
12 to do periodic check-ins with the district attorney's
13 office and your attorney.

14 THE COURT: He can do that voluntarily.

15 THE CLERK: And continue employment. If after one
16 year of successful probation you successfully complete
17 these terms, probation will be stepped down to
18 administrative, and after two years of successful
19 probation, you may petition to have your probation
20 terminated early.

21 There's a \$90 victim witness fee, \$110 DNA fee and
22 a \$65 a month probation service fee. You must see
23 probation when you finish.

24 MR. RAISLER-COHN: I would ask if we could waive
25 the attorney fee.

1

2 THE COURT: No, I'm not going to waive the
3 attorney's fees.

4 THE CLERK: Mr. Jackson, the Commonwealth moves to
5 dismiss offenses two and three with your assent?
6 Hundred fifty legal counsel fee is waived, and offenses
7 two and three are dismissed. You need to see Ms.
8 Ellison to sign a new contract.

9 THE COURT: Good luck, sir.

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11 (Court in recess.)

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1 C E R T I F I C A T I O N
2

3 I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY
4 CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT
5 FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE-ENTITLED
6 MATTER.

7 I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT THE
8 FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF THE
9 TRIAL COURT DIRECTIVE ON TRANSCRIPT FORMAT.

10 I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I NEITHER
11 AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES
12 TO THE ACTION IN WHICH THIS HEARING WAS TAKEN, AND FURTHER THAT
13 I AM NOT FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF
14 THIS ACTION.

15

16 Christine D. Blankenship, January 18, 2022

17 CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC
18 ANSCRIPT PRODUCED FROM COMPUTER
19 [REDACTED]

20 My commission expires: 8/3/2023
21
22
23
24
25

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